



FEDERAL ELECTION COMMISSION

Washington, DC 20463

MEMORANDUM

TO: The Commission
Staff Director
General Counsel

FROM: Mary W. Dove/Veneshe Ferebee-Vines VAV
Acting Secretary of the Commission

DATE: March 21, 2000

SUBJECT: Statement of Reasons for MUR 4869

Attached is a copy of the Statement of Reasons for MUR 4869
signed by Chairman Darryl R. Wold, Vice-Chairman Danny L.
McDonald, Commissioner David M. Mason, Commissioner Karl J.
Sandstrom and Commissioner Scott E. Thomas

This was received in the Commission Secretary's Office on Tuesday,
March 21, 2000 at 12:31 p.m.

cc: Vincent J. Convery, Jr.
Press Office
Public Information
Public Records

Attachments



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

American Postal Workers Union

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MUR 4869

STATEMENT OF REASONS

On February 15, 2000, the Commission found, by a vote of 5-0, that there was no reason to believe that respondent American Postal Workers Union ("APWU") violated the Federal Election Campaign Act ("FECA"). Based upon the information found in the complaint and in the response, the Commission concluded that the complaint had failed to allege a violation of the FECA.

I.
THE COMPLAINT

Marcus Hash, an American Postal Workers Union member, filed a complaint alleging that the APWU had paid for a mailing with union dues that endorsed two federal candidates.¹

II.
THE RESPONSE

APWU's president, Dennie Wilkerson, responded that the mailing had been paid for from the general fund of the local union and that "the information was provided to educate our membership. . . ."²

¹ The federal candidates endorsed were Ernesto Scorsone, running in Kentucky's 6th Congressional District, and Scotty Baesler, running for the U.S. Senate in Kentucky. Attached to the complaint were copies of the fliers received by the complainant. Both contain words expressly advocating the election of the two candidates.

² APWU's response consisted of a copy of a letter sent to the complainant.


III.
THE LAW

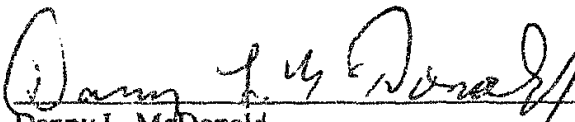
It is unlawful for any labor organization to make an expenditure in connection with a federal election. However, this does not include communications by a labor organization to its members and their families on any subject whatsoever, including communications expressly advocating the election or defeat of federal candidates. 2 USC § 441b(b)(2)(B).


IV.
ANALYSIS & CONCLUSION


The complainant did not allege that the union had made communications outside its membership - only that the complainant, a member of the union, had received materials expressly advocating the election of federal candidates, paid for by the union out of its general fund. This kind of union activity is permissible under the FECA.

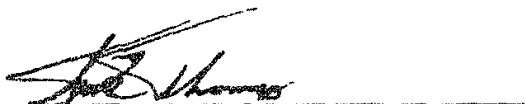
The response confirmed that the mailing was sent only to union members. As noted above, a labor organization may make expenditures to communicate to its members and their families on any subject. For these reasons, the Commission concluded that no violation of the Act had been alleged.


Darryl R. Wold
Chairman


Danny L. McDonald
Vice-Chairman


David M. Mason
Commissioner


Karl J. Sandstrom
Commissioner


Scott E. Thomas
Commissioner